

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANDRES FERRO

VS.

**UNITED PROPERTY & CASUALTY
INSURANCE COMPANY**

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CIVIL ACTION NO. _____

JURY DEMANDED

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, UNITED PROPERTY & CASUALTY INSURANCE COMPANY (“*United Property*”), Defendant herein, removes to this Court the state court action pending in the 190th Judicial District Court of Harris County, Texas invoking this Court’s diversity jurisdiction, on the grounds explained below.

BACKGROUND

1. On May 20, 2019, Plaintiff Andres Ferro filed the present action in the 190th Judicial District Court of Harris County, Texas, bearing Cause No. 2019-34688 (the “State Court Action”) against Defendant United Property & Casualty Insurance Company. *See* Plaintiff’s Original Petition, attached hereto as **Exhibit B**.

2. Defendant United Property was served/received notice of this lawsuit on June 5, 2019, and appeared and answered on July 1, 2019, asserting a general denial and affirmative defenses to the claims and allegations made in Plaintiff’s Original Petition. *See* Defendant’s Original Answer, attached as **Exhibit B**.

3. Pursuant to 28 U.S.C. § 1446(a) a copy of all process, pleadings, and orders served upon Defendant in the State Court Action are incorporated herein under **Exhibit B**.

4. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will give written notice of the removal to Andres Ferro (“Plaintiff”) through his attorney of record, and to the clerk of the 190th Judicial District Court of Harris County, Texas.

5. Pursuant to 28 U.S.C. § 1446(b)(3) this Notice of Removal has been timely filed by the Defendant within thirty (30) of service of the lawsuit.

EXHIBIT INDEX

Exhibit A	Index of Matters Being Filed;
Exhibit B	All executed process in this case, including a copy of the Plaintiff’s Original Petition and a copy of Defendant’s Original Answer
Exhibit C	List of all Counsel of Record
Exhibit D	Civil Cover Sheet

JURISDICTION

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the matter is removal to this Court pursuant to 28 U.S.C. § 1441(a) because there is complete diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

A. DIVERSITY OF PARTIES

9. Plaintiff is domiciled in Harris County, Texas. In his Original Petition, Plaintiff alleges that he is a Texas resident residing in Harris County, Texas¹. Pursuant to 28 U.S.C. § 1332(a), Plaintiff is a citizen of the State of Texas.

¹ See Plaintiff’s Original Petition, **Exhibit B**, at P. 1.

10. United Property & Casualty Insurance Company is a foreign organization incorporated pursuant to the laws of the State of Florida and does not have its principle place of business in Texas. Pursuant to 28 U.S.C. § 1332(c)(1), United Property is a citizen of the State of Florida.

11. Accordingly, there is complete diversity between the properly joined parties pursuant to 28 U.S.C. § 1332(a).

B. AMOUNT IN CONTROVERSY

12. Plaintiff's Original Petition states that "Plaintiff states he seeks monetary relief in excess of \$100,000.00 and less than \$200,000."²

13. The amount in controversy plainly exceeds \$75,000.00, exclusive of interest and costs. *See Exhibit B*. Accordingly, the amount in controversy requirement of 28 U.S.C. § 1332(b) is satisfied.

CONCLUSION

15. Removal of this action under 28 U.S.C. § 1441(a) is proper as the district courts of the United States have original jurisdiction over the matter pursuant to 28 U.S.C. § 1332, and as all requirements for removal under 28 U.S.C. § 1446 have been met.

WHEREFORE, Defendant, United Property & Casualty Insurance Company, respectfully prays that the state court action be removed and placed on this Court's docket for further proceedings as though it had originated in this Court and that this Court issue all necessary orders. United Property further requests any additional relief to which it may be justly entitled.

DATE: July 5, 2019.

² See Plaintiff's Original Petition, *Exhibit B*, at P. 4.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Sarah R. Smith

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ATTORNEYS FOR DEFENDANT,
UNITED PROPERTY & CASUALTY
INSURANCE COMPANY

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on July 5, 2019, via e-filing addressed to:

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